

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| ALEX BELFER, et al., |) | CASE NO. 1:05CV2473 |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | JUDGE ANN ALDRICH |
| |) | |
| |) | |
| OLEG MINKO, et al., |) | |
| |) | |
| |) | |
| Defendants. |) | <u>MEMORANDUM AND ORDER</u> |

On March 3, 2006, Alex Belfer, et al. (“Belfer”) filed a motion for release of bond. (Doc. No. 32.) On March 16, 2006, Oleg Minko, et al. (“Minko”) filed a response. (Doc. No. 36.) On September 29, 2006, Belfer filed a renewed motion. (Doc. No. 53.) On October 24, 2006, Minko filed a response. (Doc. No. 54.) All issues have been fully briefed and are ripe for adjudication. For the reasons stated herein, the court denies Belfer’s motion for release of bond.

I. DISCUSSION

On October 21, 2005, this court issued at temporary restraining (“TRO”) order against Minko, which was subsequently extended through November 21, 2005. (Doc. No. 5, 16.) As part of the court’s order, Belfer was required to put up a bond of \$32,600 with the clerk of court as surety for damages incurred should the final determination find that the TRO was improperly issued. Under the terms of the Federal Rules of Civil Procedure, the purpose of the bond is to

provide "payment of such costs and damages as may be incurred by any party who is found to have been wrongfully enjoined or restrained." Fed.R.Civ.P. 65(c). Most importantly, with respect to this motion, "A district court should not release a surety prior to a final determination of the dispute." 11A Wright, Miller & Kane, *Federal Practice and Procedure* § 2972. Since there has yet to be a final disposition in this case, an order releasing the bond would be inappropriate at this time.

II. CONCLUSION

For the aforementioned reasons, the court denies Belfer's motion for release of bond.

IT IS SO ORDERED.

s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: **March 14, 2007**